



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,604	06/01/2001	Robert E. Callies	Lindsay 51	2262
7590 05/08/2007 Joel H. Bock, COOK, ALEX, McFARRON, MANZO, CUMMINGS & MEHLER, LTD. 200 West Adams Street - Suite 2850 Chicago, IL 60606			EXAMINER HWU, DAVIS D	
			ART UNIT 3752	PAPER NUMBER
			MAIL DATE 05/08/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

ED

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/872,604  
Filing Date: June 01, 2001  
Appellant(s): CALLIES ET AL.

**MAILED**  
**MAY 08 2007**  
**GROUP 3700**

---

Joel H. Bock  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed April 20, 2005 appealing from the Office  
action mailed January 18, 2005.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

This appeal involves claims 1-9, 13-19, and 21-25.

Claims 10-12 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 26-29 are withdrawn from consideration as not directed to the elected invention.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

Art Unit: 3752

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

#### **NEW GROUND(S) OF REJECTION**

Claims 2, 13, and 21 are now rejected under 35 USC 102 as being anticipated by Hane.

#### **WITHDRAWN REJECTIONS**

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The 35 USC 102 rejections of claims 1, 2, 13, 14, 16-19, 21, and 23-25 as being anticipated by Dunn are hereby withdrawn.

#### **(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

#### **(8) Evidence Relied Upon**

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

US Patent 4,162,041	Hane	07-1979
---------------------	------	---------

#### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### **Claim Rejections - 35 USC 102**

Claims 1-9, 13, 14, 16-19, 21, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hane.

Hane shows a distribution tube assembly for an irrigation system of the type having a

Art Unit: 3752

main supply line 7 for conveying fluid, the distribution tube assembly comprising an elongated frame with a first upstream end, a second downstream end and at least two fluid passageways 2 and 3 defined therein to permit more than one fluid stream therethrough, each passageway permitting fluid flow from the first upstream end to the second downstream end, at least one of the fluid passageways being in fluid communication with the main supply line, at least another of the fluid passageways being in fluid communication with a second fluid supply line 18. Hane also shows adaptors positioned at the first and second ends of the distribution assembly in which the adaptors comprise a branch fitting as recited in claims 4-7. Regarding claim 8, since the adaptor 6 has a bore disposed therein in fluid communication with at least one of the passageways, forming a plurality of bores on the adaptor would have been a matter of design choice since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. Regarding the new grounds of rejection of claims 2, 13, and 21, Hane also shows the first fluid passageway 2 being at least twice as large a second passageway 3 (see Figure 2) and thus the fluid passageways 2 and 3 have different diameters to accommodate different flow rates.

### **Claim Rejections - 35 USC 103**

Claims 15 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Hane.

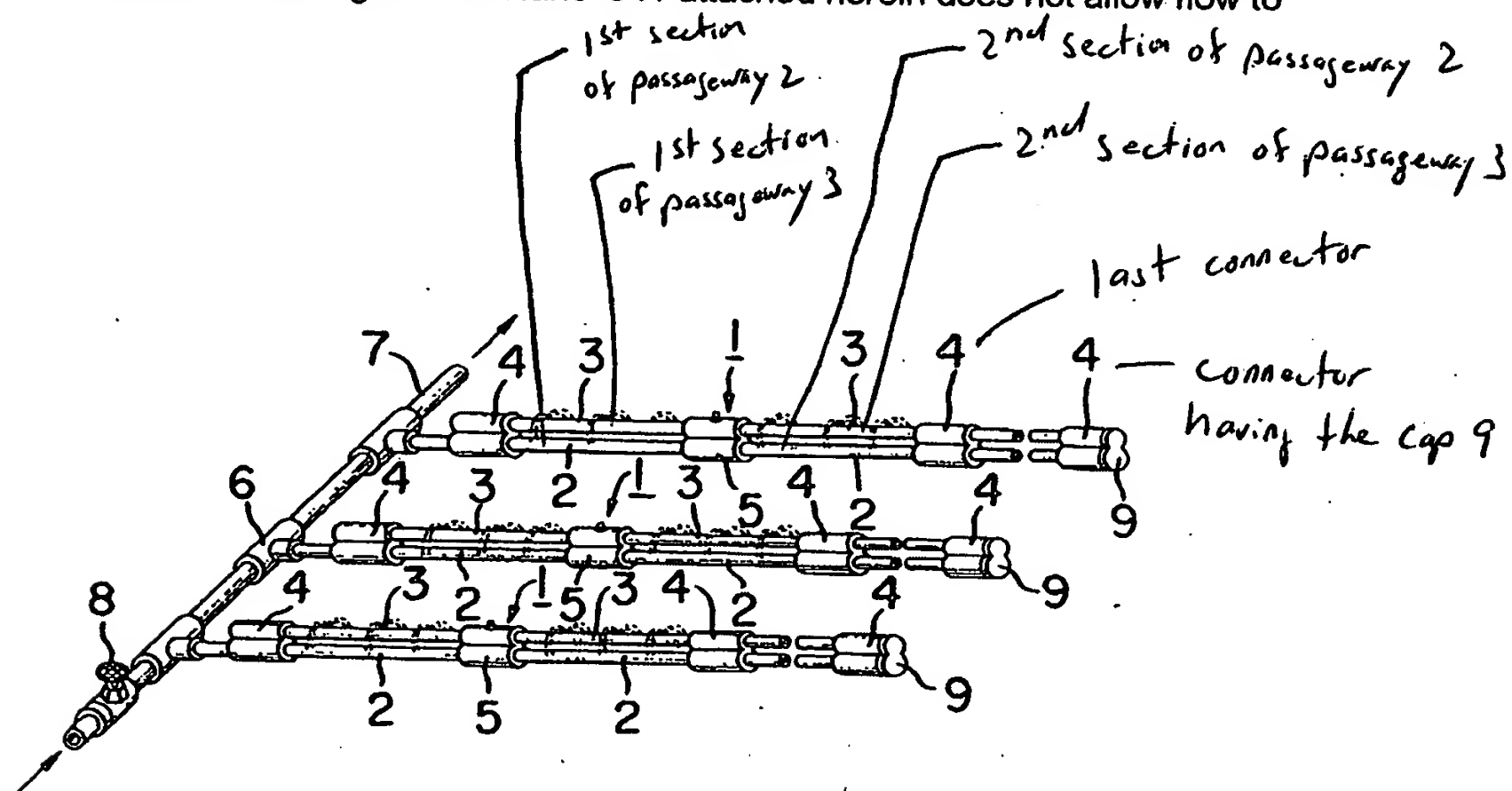
Since Hane shows a regulator valve 8 in the main supply line, it would have been obvious to one having ordinary skill in the art that placing the regulator valve in the first adaptor before the branch could be done without comprising the function of the device

of Hane since the valve 8 could still regulate the main supply line.

**(11) Response to Argument**

Argument A

Appellant argues that claims 1, 3-9, and 14 are not anticipated by Hane (4,162,041). In the apparatus of Hane, water from main supply line 7 flows into first fluid passageways 2 and from each passageway 2 into second fluid passageways comprising hole 15 and pipe sections 3 (also considered as passages) via a fluid supply line 18 of connector 5 as seen in Figure 5. The examiner agrees that the first sockets 4 do not permit water flow from one sub-pipe segment 3 to the next segment 3, however, the second sockets 5 do permit such a flow via openings 13 in the sockets 5. As water from main supply 7 flows along one of the passageways 2, the water flows into the corresponding pipe (passageway) 3 via a supply line 18 connected to opening 13 of the connector 5 and proceeds to the second downstream end of pipe 3. The first section of pipe 3 as seen in the Figure 1 of Hane '041 attached herein does not allow flow to



Art Unit: 3752

proceed to the second downstream end, however, the second section of pipe 3 does permit the fluid to flow to the second downstream end through 18 as stated previously. Thus, the combination of the first section of pipe 3, the connector 5, and the second section of pipe 3 permits fluid flow from the first upstream end to the second downstream end. Since Applicant's claim 1 recites "each passageway permitting fluid flow from the first upstream end to the second downstream end", the device of Hane meets this claim language since passageway sections of passageway 2 along with connector 5 permits fluid to flow from the first upstream end to the second downstream end as does the combination of the first and second sections of passageway 3 along with the connector 5.

Hane also shows a cap 9 attached to a socket 4 as seen in Figure 1 of Hane '041 attached herein. The apparatus of Hane as seen in Figure 1 alternates a connector 4, a connector 5, and another connector 4. If the last connector 4 (the one farthest from the main supply 7) is capped with cap 9, then the water flows from the upstream end (end near the main supply 7) to a second downstream end which has the capped connector. The connector 4 having the cap as seen in Figure 1 is actually not a part of the apparatus of Hane since it is only there to teach that the last connector of the apparatus of Hane would have a cap 9. Thus, for a relatively shorter field to be irrigated, one having ordinary skill in the art would recognize that there may not be a requirement for additional connectors 5 and that the last connector 4 could be capped with a cap 9. Since the Applicant is claiming "fluid passageways", the sections of 3 in conjunction with holes 15 of the connectors 5 form a "fluid passageway" that permits flow from the

Art Unit: 3752

upstream end of the apparatus to the downstream of the apparatus as stated above.

Therefore, the apparatus of Hane comprises more than one fluid passageway throughout its length-one formed by the sections of passageway 2 which are fluidly connected to each other via connector 5 and a second passageway formed by the combination of the sections of passageway 3 along with the hole 15 of connector 5 as stated above.

Regarding Applicant's argument that Hane does not show a second fluid supply separate from the first or main supply line, the examiner respectfully disagrees because water from pipes 2 flows into pipes 3 via flow passage 18 of connector 5 and thus passage 18 is a second fluid supply line which supplies water to pipes 3. The Applicant has not claimed further limitations of the "second fluid supply line" itself. The passage 18 of connector 5 can also be considered as an "alternate supply."

#### Argument B

Appellant's argument that claims 1, 2, 13, 14, 16-19, 21, and 23-25 are not anticipated by Dunn (4,763,842) are now moot since these rejections have been withdrawn.

#### Argument C

Regarding the 35 USC 103 rejections of claims 15 and 22, the branch sockets 6 of Hane are considered as adapters and since Hane also shows a regulator valve 8, one having ordinary skill in the art would know that if the valve 8 was placed in the first adapter of the water flow direction, the valve 8 would still properly regulate water flow to the apparatus of Hane.

For the above reasons, it is believed that the rejections should be sustained.



## NOTICE TO PARTICIPANTS

The following is to notify you of various revisions which will be made to three of the STI Classic Funds which are investment options in your company retirement plan.

Effective May 31, 2007, there will be both a name and benchmark change for two of the funds as follows:

### STI Classic Capital Appreciation Fund

	Current	New: Effective 5/31/07
Fund Name	Capital Appreciation Fund	Large Cap Growth Stock Fund
Benchmark	S&P 500 Index	Russell 1000 Growth Index

### STI Classic Large Cap Relative Value Fund

	Current	New: Effective 5/31/07
Fund Name	Large Cap Relative Value Fund	Large Cap Core Equity Fund
Benchmarks	Russell 1000 Value Index (primary) S&P 500 Index (secondary)	S&P 500 Index (primary) Russell 1000 Value Index (secondary)

The changes for the Capital Appreciation Fund and the Large Cap Relative Value Fund also include required updates to the investment strategies to reflect the name changes, which can be located in the prospectus supplement.

In addition, also effective May 31, 2007, there will be changes to both the fund name and investment strategy for the Mid-Cap Equity Fund as follows:

### STI Classic Mid-Cap Equity Fund

	Current	New: Effective 5/31/07
Fund Name	Mid-Cap Equity Fund	Mid-Cap Core Equity Fund
Investment Strategy Changes	<ul style="list-style-type: none"><li>• The strategy is diversified with generally 100 to 140 stocks in the portfolio.</li><li>• Each stock is generally limited to no more than two percent of the portfolio.</li></ul>	<ul style="list-style-type: none"><li>• The strategy is diversified with generally 80 to 120 stocks in the portfolio.</li><li>• Each stock is generally limited to no more than three percent of the portfolio.</li></ul>

Please note that, although the Fund names are changing, the ticker symbol and CUSIP for each share class will remain the same.

For more details about the changes, you can view and print the fund's prospectus and supplement to the prospectus online via PlanLink®. To access PlanLink®:

Go to [www.suntrust.com/retirementsolutions](http://www.suntrust.com/retirementsolutions)  
Click on "PlanLink® Online Account Access"

To access PlanLine® call 1-888-816-4015

## **STI CLASSIC FUNDS**

**Supplement dated March 7, 2007, to the  
STI Classic Capital Appreciation Fund  
STI Classic Large Cap Relative Value Fund  
STI Classic Mid-Cap Equity Fund  
Prospectuses (A, C and I Shares)  
dated August 1, 2006**

**This supplement contains an important notice regarding changes to the investment policies of the Capital Appreciation Fund and the Large Cap Relative Value Fund as well as a name change to the Mid-Cap Equity Fund (each a "Fund") and should be read in conjunction with the Fund's Prospectus.**

- 1. Effective May 31, 2007, the STI Classic Capital Appreciation Fund will be renamed the STI Classic Large Cap Growth Stock Fund.**

**In accordance with this name change, the following information will replace the first paragraph under Investment Strategy:**

Under normal circumstances, the Fund invests at least 80% of its net assets in common stocks and other U.S. traded equity securities of large cap companies. U.S. traded equity securities may include listed American Depositary Receipts ("ADRs"). The Adviser considers large cap companies to be companies with market capitalizations of at least \$3 billion. The Adviser will seek out securities it believes have strong business fundamentals, such as revenue growth, cash flows and earning trends.

Additionally, the Fund's benchmark will change from the S&P 500<sup>®</sup> Index to the **Russell 1000<sup>®</sup> Growth Index**. The Adviser believes that the Russell 1000<sup>®</sup> Growth Index better reflects the ongoing investment style of the Fund. The Russell 1000<sup>®</sup> Growth Index measures the performance of those Russell 1000<sup>®</sup> companies with higher price-to-book ratios and higher forecasted growth values. The Russell 1000<sup>®</sup> Index is a comprehensive large cap index measuring the performance of the largest 1,000 U.S. incorporated companies.

- 2. Effective May 31, 2007, the STI Classic Large Cap Relative Value Fund will be renamed the STI Classic Large Cap Core Equity Fund.**

**In accordance with this name change, the following information will replace the first paragraph under Investment Strategy:**

Under normal circumstances, the Fund invests at least 80% of its net assets in common stocks and other U.S. traded equity securities of large cap companies. U.S. traded equity securities may include listed American Depositary Receipts ("ADRs"). The Adviser considers large cap companies to be companies with market capitalizations of at least \$3 billion.

Additionally, the Fund's primary and secondary benchmarks will change so that the **S&P 500<sup>®</sup> Index** is the primary benchmark and the **Russell 1000<sup>®</sup> Value Index** is the secondary benchmark. The Adviser believes that the S&P 500<sup>®</sup> Index better reflects the current and ongoing investment style of the Fund. The S&P 500<sup>®</sup> Index is a widely-recognized, market value-weighted (higher market value stocks have more influence than lower market value stocks) index of 500 stocks designed to mimic the overall U.S. equity market's industry weightings.

3. Effective May 31, 2007, the STI Classic Mid-Cap Equity Fund will be renamed the **STI Classic Mid-Cap Core Equity Fund**.

The following information will replace the third paragraph under **Investment Strategy**:

Risk management is utilized extensively and a critical component of the overall investment process. The strategy is diversified with generally 80 to 120 stocks in the portfolio. Each stock is generally limited to no more than three percent of the portfolio. The portfolio is managed to reduce tracking error and overall volatility to the benchmark.

**PLEASE RETAIN THIS SUPPLEMENT FOR FUTURE REFERENCE.**

SPEQSTSCR0307

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Art Unit: 3752

Respectfully submitted,



Davis Hwu

DAVIS HWU  
PRIMARY EXAMINER

**A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:**

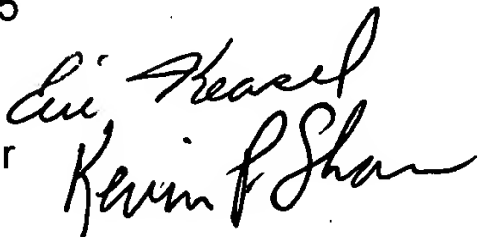
DDH

May 25, 2005

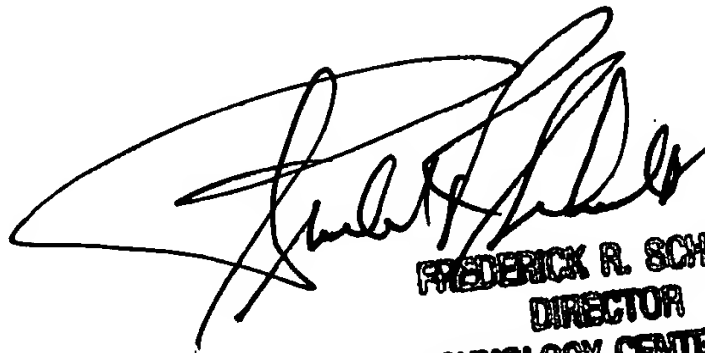
Conferees:

Eric Keasel

Kevin Shaver



Joel H. Bock,  
COOK, ALEX, McFARRON, MANZO,  
CUMMINGS & MEHLER, LTD.  
200 West Adams Street, Suite 2850  
Chicago, IL 60606



FREDERICK R. SCHMIDT  
DIRECTOR  
TECHNOLOGY CENTER 3700